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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-259

11 **DEBRA LYNN EAVES, AKA DEBRA**
12 **SHAW EAVES, AKA DEBRA LYNN FOX,**
13 **AKA DEBRA LYNN ROSS**

DEFAULT DECISION AND ORDER

14 **1071 Eaves Loop**
15 **Merryville, LA 70653**

[Gov. Code, §11520]

16 **Registered Nurse License No. 614986**

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about October 27, 2011, Complainant Louise R. Bailey, M.Ed., R.N., in her
20 then-official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs, filed Accusation No. 2012-259 against Debra Lynn Eaves, aka Debra Shaw
22 Eaves, aka Debra Lynn Fox, aka Debra Lynn Ross (Respondent) before the Board of Registered
23 Nursing. (Accusation attached as Exhibit A.)

24 2. On or about March 7, 2003, the Board of Registered Nursing (Board) issued
25 Registered Nurse License No. 614986 to Respondent. The Registered Nurse License expired on
26 August 31, 2006, and has not been renewed. The Board retains jurisdiction over expired licenses
27 pursuant to Business and Professions Code sections 118 and 2764.

28 3. On or about October 27, 2011, Respondent was served by Certified and First Class
Mail copies of the Accusation No. 2012-259, Statement to Respondent, Notice of Defense,
Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,

1 and 11507.7) at Respondent's address of record which, pursuant to California Code of
2 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
3 which was and is:

4 1071 Eaves Loop
5 Merryville, LA 70653.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts
12 of the accusation not expressly admitted. Failure to file a notice of defense shall
13 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
14 may nevertheless grant a hearing.

15 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
17 259.

18 7. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
22 respondent.

23 8. Pursuant to its authority under Government Code section 11520, the Board and the
24 Department of Consumer Affairs (Department) finds Respondent is in default. The Department
25 will take action without further hearing and, based on the relevant evidence contained in the
26 Default Decision Evidence Packet in this matter, as well as taking official notice of all the
27 investigatory reports, exhibits and statements contained therein on file at the Department's offices
28 regarding the allegations contained in Accusation No. 2012-259, finds that the charges and
allegations in Accusation No. 2012-259, are separately and severally, found to be true and correct
by clear and convincing evidence.

1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$315.00 as of January 5, 2012.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Debra Lynn Eaves, aka Debra
6 Shaw Eaves, aka Debra Lynn Fox, aka Debra Lynn Ross has subjected her Registered Nurse
7 License No. 614986 to discipline.

8 2. The Department has jurisdiction to adjudicate this case by default.

9 3. The Department is authorized to revoke Respondent's Registered Nurse License
10 based upon the following violations alleged in the Accusation which are supported by the
11 evidence contained in the Default Decision Evidence Packet in this case:

12 a. Business and Professions Code section 2761(a)(4) for disciplinary action taken by the
13 Louisiana State Board of Nursing in June 2009 suspending Respondent's Louisiana nursing
14 license after she failed to comply with terms of probation relating to treatment for and testing for
15 controlled substances.

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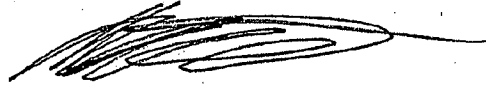
ORDER

IT IS SO ORDERED that Registered Nurse License No. 614986, heretofore issued to Respondent Debra Lynn Eaves, aka Debra Shaw Eaves, aka Debra Lynn Fox, aka Debra Lynn Ross, is revoked..

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 10, 2012.

It is so ORDERED July 13, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:LA2011601502

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2012-259*

12 **Debra Lynn Eaves aka Debra Shaw Eaves**
13 **aka Debra Lynn Fox aka Debra Lynn Ross**

A C C U S A T I O N

14 **1071 Eaves Loop**
15 **Merryville, LA 70653**

16 **Registered Nurse License No. 614986**

17 **Respondent.**

18 **Complainant alleges:**

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 2. On or about March 7, 2003 the Board issued Registered Nurse License Number
24 614986 to Debra Lynn Eaves aka Debra Shaw Eaves aka Debra Lynn Fox aka Debra Lynn Ross
25 ("Respondent"). The Registered Nurse License expired on August 31, 2006 and has not been
26 renewed.

27 **JURISDICTION AND STATUTORY PROVISIONS**

28 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Section 2811
6 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over
9 suspended, expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license issued by a
11 board in the department, or its suspension, forfeiture, or cancellation by order of the
12 board or by order of a court of law, or its surrender without the written consent of the
13 board, shall not, during any period in which it may be renewed, restored, reissued, or
14 reinstated, deprive the board of its authority to institute or continue a disciplinary
proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the
licensee on any such ground."

15 6. Section 2761 of the Code provides grounds for disciplinary action:

16 "The board may take disciplinary action against a certified or licensed
17 nurse or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the
19 following:

20

21 (4) Denial of licensure, revocation, suspension, restriction, or any other
22 disciplinary action against a health care professional license or certificate by another
23 state or territory of the United States, by any other government agency, or by another
24 California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action."

24 COST RECOVERY

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 **(Disciplinary Action by the Louisiana Board of Nursing)**

3 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the
4 Code on the grounds of unprofessional conduct because she was disciplined by the Louisiana
5 Board of Nursing ("Louisiana Board"), as follows:

6 9. On or about October 22, 2008, the Louisiana Board issued an Order approving and
7 accepting a consent order that Respondent had agreed to. In the consent order, entitled, *In the*
8 *Matter of Debra Shaw Eaves*, the Louisiana Board made the following finding:

9 10. On January 18, 2008, while working as a registered nurse at Beauregard Memorial
10 Hospital in DeRidder, Louisiana, Respondent exhibited signs of impairment, including
11 staggering, drowsiness, and slurred speech, had difficulty holding papers, and confused patient
12 information for patients in her care. Respondent admitted to the hospital she had taken Xanax, a
13 medication used to treat anxiety and panic disorders, to cope with a recent death in the family.

14 11. As a result of this conduct, the Louisiana Board imposed and Respondent agreed to
15 disciplinary action on Respondent's nursing license, including placing her on probation for three
16 years and requiring her to submit to a psychiatric substance abuse evaluation, to refrain from
17 nursing until cleared to work, to agree to participate in a substance abuse treatment program, to
18 submit to supervised random drug testing, and to remain free of all unprescribed mood-altering
19 substances.

20 12. In March 2009, the Louisiana Board notified Respondent that she had not fully
21 complied with the 2008 consent order because she had failed to submit to a random drug
22 screening.

23 13. Also in March 2009, in response to the Louisiana Board's letter regarding her non-
24 compliance with her probation, Respondent notified the Louisiana Board that she did not wish to
25 continue in nursing. As a result, the Louisiana Board suspended her nursing license.

26 14. Under Section 2761 subdivision (a)(4) of the Code, the Louisiana Board's initial
27 imposition of probation in 2008 for using controlled substances that impaired her ability to
28 practice nursing and its subsequent suspension of Respondent's nursing license in 2009 for failing

1 to comply with the terms of her probation are independent grounds for the California Board to
2 take disciplinary action.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 614986, issued to Debra
7 Lynn Eaves aka Debra Shaw Eaves aka Debra Lynn Fox aka Debra Lynn Ross;

8 2. Ordering Debra Lynn Eaves aka Debra Shaw Eaves aka Debra Lynn Fox aka Debra
9 Lynn Ross to pay the Board of Registered Nursing the reasonable costs of the investigation and
10 enforcement of this case, pursuant to Business and Professions Code Section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: October 27, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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